

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/41792

A. CLASSIFICATION OF SUBJECT MATTER IPC(7) : A61B 1/32 US CL : 600/210 According to International Patent Classification (IPC) or to both national classification and IPC		
B. FIELDS SEARCHED Minimum documentation searched (classification system followed by classification symbols) U.S. : 600/210, 606/90 Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) Please See Continuation Sheet		
C. DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	US 6,228,022 A (FRIESEM et al) 8 May 2001 (08.05.2001), see whole document.	16-20
A	US 6,514,260 A (ZDEBLICK et al) 4 February 2003 (04.02.2003), see whole document.	16-20
A	US 2003/0083689 A1 (SIMONSON) 1 May 2003 (01.05.2003), see whole document.	16-20
<input type="checkbox"/> Further documents are listed in the continuation of Box C. <input type="checkbox"/> See patent family annex.		
* Special categories of cited documents: "A" document defining the general state of the art which is not considered to be of particular relevance "B" earlier application or patent published on or after the international filing date "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified) "O" document referring to an oral disclosure, use, exhibition or other means "P" document published prior to the international filing date but later than the priority date claimed "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art "&" document member of the same patent family		
Date of the actual completion of the international search 16 April 2005 (16.04.2005)		Date of mailing of the international search report 19 MAY 2005
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Kevin P. Shaver Telephone No. 703-308-1148

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Box II Observations where certain claims were found unsearchable 1. because they relate to subject matter not required to be searched by this Authority, namely:

Claims 1-15 are rejected under 35 U.S.C. 101 because they are drawn to non-statutory subject matter. In claim 1, line 8, applicant positively recites part of a human, i.e. "said surgical retractor is inserted into the body ...". Thus claims 1-9 include a human within their scope and are non-statutory. Also, in claim 10, line 9, applicant positively recite part of a human, i.e. "said surgical retractor is inserted into the body ...". Thus, claims 10-15 include a human within their scope and are non- statutory. A claim directed to or including within its scope a human is not considered to be patentable subject matter under 35 U.S.C. 101. The grant of a limited, but exclusive property right in a human being is prohibited by the Constitution. In re Wakefield, 422 F.2d 897, 164 USPQ 636 (CCPA 1970).

Continuation of B. FIELDS SEARCHED Item 3:

EAST

search terms: retractor, dilator

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Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.: 1-15
because they relate to subject matter not required to be searched by this Authority, namely:
Please See Continuation Sheet
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:

4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest ☐ The additional search fees were accompanied by the applicant's protest.
☐ No protest accompanied the payment of additional search fees.